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DEPARTMENT OF THE NAVY  
OFFICE OF THE CHIEF OF NAVAL OPERATIONS  
WASHINGTON, D.C. 20350

IN REPLY REFER TO

OPNAVINST 11101.28B  
Op-44  
20 Jul 1978

OPNAV INSTRUCTION 11101.28B

From: Chief of Naval Operations

Subj: Leasing Family Housing in Foreign Countries

Ref: (a) OPNAVINST 11101.37  
(b) NAVFACINST 11101.91D  
(c) OPNAVINST 11101.19B

Encl: (1) Policies and Criteria Applicable to the Leasing  
of Family Housing in Foreign Countries  
(2) Family Housing Foreign Leasing Data Sheet

1. Purpose. To promulgate policy and criteria for the approval and administration of family housing leased for personnel on accompanied duty tours in foreign countries.

2. Cancellation. OPNAVINST 11101.28A.

3. Applicability. This instruction applies to the leasing of family housing for Navy sponsored military and civilian personnel in areas outside of the United States, Puerto Rico and Guam. It includes family housing leased by the Navy for personnel of other military services and Federal agencies when authorized by the Office of the Secretary of Defense (OSD). It excludes housing leased for Naval personnel under the administrative control of Defense Intelligence Agency and National Security Agency.

4. Information. Reference (a) governs the determination of family housing requirements and the methods available to meet those requirements, including leasing of community housing for assignment as public quarters. Reference (b) provides instructions on the requirements survey documentation needed to support foreign leasing, the determination of the leasing requirement and the procedures for requesting approval of a leasing requirement. Enclosure (1) provides policies and criteria applicable to leasing family housing in foreign countries.

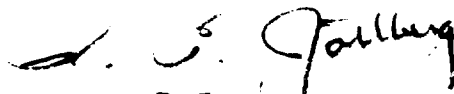
5. Action

a. Commanding Officers may submit requests to lease community housing in foreign areas if it can be clearly

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determined that the housing requirements meet the provisions of enclosure (1). Requests shall be submitted via the chain of command, LANTNAVFACENGCOM or PACNAVFACENGCOM as applicable, and COMNAVFACENGCOM to the Chief of Naval Operations. The supporting data specified by and in the format of enclosure (2) shall be submitted for each high cost lease and for a leasing request involving less than five units and renewable thereof. Leasing request for five or more units must be supported by a family housing requirements survey in accordance with references (a) and (b) and continuation in the leasing program will be rejustified annually thereafter by a current family housing requirements survey.

b. COMNAVFACENGCOM will ensure that family housing leasing in foreign countries conforms to statutory and administrative policies and criteria stated herein.

  
R. F. JORTBERG  
By direction

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DEPARTMENT OF THE NAVY POLICIES AND CRITERIA APPLICABLE  
TO THE LEASING OF FAMILY HOUSING IN FOREIGN COUNTRIES

1. Authority and Scope. Leasing of family housing in foreign countries can be accomplished under the authority contained in Title 10, United States Code 2675. Housing leased under this authority must be for the benefit of the United States and, excepting lease construction housing discussed in paragraph 5 below, is limited to top command assignments in cases where Government quarters commensurate with the position of the proposed occupant are not available and are required, or to situations involving undue hardship. Generally, undue hardship is considered to exist only where:

- a. Local custom requires advance rental payments for three months or more; or
- b. Local restrictions preclude individual leases to foreign nationals; or
- c. Living conditions are dangerous or unhealthful; or
- d. There has been or will be a rapid influx of personnel as the result of force deployment.

2. Primary Reliance on Private Rental. It is the policy of the DOD that personnel overseas obtain family housing insofar as possible through the established quarters and station housing allowance (SHA) system, with personnel making private rental arrangements. The SHA and the member's maximum allowable housing cost (MAHC) represent the maximum amount a member should be expected to pay for foreign housing. An inadequate or unrealistic SHA does not per se constitute justification for government leasing (insufficient SHA should be brought to the attention of the Per Diem Travel and Transportation Allowance Committee in accordance with Appendix D, Volume I, Joint Travel Regulations).

3. Minimize Cost to the Government. Every effort will be made to obtain economical and unpretentious housing which is not too costly, too ostentatious, or too large for the intended occupant, in order to minimize the cost to the Government. Leased units should be comparable in size, cost, and amenities to those in the area occupied by other U.S. Government personnel of similar pay and status.

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4. High Cost Leases. Where the annual rental of an individual lease together with related costs exceed prescribed cost limits, specific approval of the ASD (MRA&L) must be obtained prior to committing the United States to a lease initially; this requirement also applies to renewals of such existing leases. Requests for renewal of an existing lease which exceeds prescribed cost limits shall be initiated at least 90 days prior to the lease termination date to allow sufficient time for processing approval and for lease execution. An updated lease data sheet (enclosure (2)) must be submitted for each new lease or lease renewal request.

5. Lease Construction. Authority to lease family housing for a period up to 10 years was authorized by Congress in PL 95-82 which amends Title 10, United States Code 2675. Use of this authority is limited to locations where a validated housing shortage exists which cannot be satisfied through the quarters and station housing allowance system and which necessitates construction of housing for the benefit of the United States. Proposals which contemplate a lease of more than five (5) but not more than ten (10) years require prior approval of DASD (I&H) and must be supported by an up-to-date requirements survey done in accordance with reference (a) and by an economic analysis that supports leasing in lieu of military construction.

6. CONUS Quarters Comparability. Leased housing shall provide, as nearly as practicable considering local conditions and customs, accommodations comparable to public quarters in CONUS assigned to personnel of similar rank and family composition with similar duty requirements. Unit size and type shall be related to rank/rating as specified in Chapter 1 of NAVFAC Design Manual, NAVFAC DM-35.

7. Public Quarters. Leased housing is designated as adequate public quarters and occupants shall forfeit basic allowances for quarters (BAQ) and station housing allowances (SHA), if any. Naval policies applicable to the administration and occupancy of military-owned public quarters shall apply to Government leased quarters to the extent reasonable for local conditions.

8. Limitation on Make-Ready Costs. Any alterations, repairs, and/or additions to foreign leased units shall be limited to work necessary to provide adequate living accommodations, and the cost of such work shall not exceed 25% of the first year's annual rental without prior approval of the ASN (MRA&L).

Enclosure (1)

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9. Furniture and Furnishings. Initial provision, renovation and repair of draperies, carpeting, furniture and equipment for leased housing to be occupied by flag/general officers and commanding officers of major commands will require CNO approval in accordance with reference (c).

10. Payment of Rent in Advance. Advance rental payments may be made within the criteria of Title 31, United States Code, Section 529i, where it is in the best interest of the United States, and with the prior approval of the ASD (MRA&L).

11. Reallocation of Leases. Foreign leasing allocations will not be reallocated without prior approval of the ASD (MRA&L).

Enclosure (1)

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DEPARTMENT OF THE NAVY FAMILY HOUSING  
FOREIGN LEASING DATA SHEET

(SEPARATE DATA SHEET FOR EACH FAMILY UNIT)

I. Location and Description of Property

- A. Address: (if known)
- B. Occupant: (title and rank of billet and name of occupant if known) and number of dependents (age, sex, and relationship to occupant)
- C. Description: (house/apartment, furnished/unfurnished, number of rooms, number of bedrooms, number of gross & net square feet in living area, extent of grounds, garage, other buildings, etc.)
- D. Duty Station:

II. Leasing Costs Allowances (In U.S. Dollars)

## A. Amount member expected to pay for housing:

Maximum Allowable Housing Cost (MAHC)	\$
Station Housing Allowance (SHA)	\$ _____

Total

## B. Monetary compensation to member:

Basic Allowance for Quarters (BAQ)	\$
Station Housing Allowance (SHA)	\$ _____

Total

## C. Monthly Rates: (detailed itemization, indicate whether actual or estimated)

(1)	(2)	(3)	(4)	(5)
Est. Mo <u>Shelter Rent</u>	Est. Util/ <u>Sve Costs</u>	Est. Maint. <u>Costs</u>	Total <u>Est. Costs</u>	Cost to Govt. <u>above BAQ &amp; SHA</u>

Column (1) should show the estimated or actual contract rent.

Enclosure (2)

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Columns (2) and (3) will show the estimate of those items which are not included in the column (1) figures.

Column (4) is the sum of columns (1), (2), and (3). If more than total MAHC and SHA, attach statement of action taken under Appendix D, Joint Travel Regulations, Volume I.

Column (5) will be the difference between the BAQ and SHA (if any) and column (4).

D. Initial Make-Ready Costs: (Any alterations, repairs and/or additions necessary to provide adequate living accommodations, the cost of such work not to exceed 25% of the first year's annual rental without prior approval of the ASN (MRA&L). Costs in excess of 25% must be fully justified; include an itemized list which comprises these make-ready costs.

E. Initial Furniture and Furnishings Costs: Furniture, furnishings, and equipment initially provided; include an itemized list which comprises these costs).

F. Estimated costs for Balance of FY \_\_\_\_: (Column (4) times the remaining number of months in the fiscal year, plus any one-time costs (Items IID and IIE).

G. Estimated Cost for FY \_\_\_\_: (Column (4) x 12 months).

H. Estimated Cost for Full Lease Term: (Column (4) x number of months plus items IID and IIE).

I. Estimated Cost to the Government above BAQ and SHA for the Full Lease Term: (Column (5) x number of months plus Items IID and IIE).

III. Terms of the Lease. (Include the initial time period, the number of annual renewal periods, any provision for advance rental payments and the amount of advance rental and the recovery of any unearned portion thereof in event of early termination, and any special considerations relating to/affecting the rent structure).

Enclosure (2)



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IV. Justification. (Where applicable, include information which will qualify classification of the billet as representational-type. Describe any pertinent factors, such as excessive costs, unsafe and unsanitary conditions, etc. Also include the number of military personnel assigned to the activity and the number of personnel occupying government quarters).

V. Certification of Appropriateness and Comparability. (Attach statement by officer initiating request as follows): This is to certify that I have personally determined that the leased quarters intended for occupancy by \_\_\_\_\_ are neither ostentatious nor too large and that this determination has been confirmed by \_\_\_\_\_, Administrative Officer, American Embassy. Also, I have determined that (1) these quarters will be comparable in size and cost to those occupied by Embassy personnel of equal or similar status, (2) members of Embassy staff of equal or comparable status (are) (are not) occupying Government owned or leased quarters and (3) (initial) (recurring) advance rental for \_\_\_\_\_ months (is) (is not) required by (law) (custom) of the country.

Signed \_\_\_\_\_

(Officer Initiating Request)

Enclosure (2)